

12-7-01

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Please type a plus sign (+) inside this box ☒Approved for use through 10/31/2002. OMB 065-0101
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **OSTEONICS 3.0-349**First Inventor **Andreas W. Spelling**Title **A DEVICE FOR USE WITH THERAPEUTIC, etc.**Express Mail Label No. **EV011144155US****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:U.S. DEPARTMENT OF COMMERCE
P. O. Box 2327
Arlington, VA 22202

1. ☒ **Fee Transmittal Form** (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ **Applicant claims small entity status**
See 37 CFR 1.27.

3. ☒ **Specification** [Total Pages **11**]

(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

4. ☐ **Drawing(s)** (35 U.S.C. 113) [Total Sheets ☐

5. **Oath or Declaration** [Total Pages ☐

- a. ☐ **Newly executed (original or copy)**
b. ☐ **Copy from a prior application (37 CFR 1.63(d))**
(for continuation/divisional with Box 16 completed)

DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ **Application Data Sheet.** See 37 CFR 1.76

7. ☐ **CD-ROM or CD-R** in duplicate, large table or Computer Program (Appendix)
8. **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all necessary)
a. ☐ **Computer Readable Form (CRF)**
b. **Specification Sequence Listing on:**
i. ☐ **CD-ROM or CD-R** (2 copies); or ii. ☐ **paper**
c. ☐ **Statements verifying identity of above copies**

ACCOMPANYING APPLICATIONS PARTS

9. ☐ **Assignment Papers** (cover sheet & document(s))
10. ☐ **37 CFR 3.73(b) Statement** ☐ **Power of Attorney** (when there is an assignee)
11. ☐ **English Translation Document** (if applicable)
12. ☒ **Information Disclosure Statement (IDS)/PTO-1449** ☒ **Copies of IDS Citations**
13. ☐ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard (MPEP 503)** (Should be specifically itemized)
15. ☐ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
16. ☐ **Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).** Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ **Other:** **Unexecuted Declaration**

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No. _____

Prior application information: Examiner _____

Group / Art Unit: _____

For **CONTINUATION** or **DIVISIONAL** APPS only. The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ **Customer Number or Bar Code Label**

000530

or ☐ **Correspondence address below**

Name _____

Address _____

City _____

State _____

Zip Code _____

Country _____

Telephone _____

Fax _____

Name (Print/Type) **Raymond W. Augustin**Registration No. (Attorney/Agent) **28,588**

Signature _____

Date **December 3, 2001**

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Information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Application claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 794.00

Complete if Known
Application Number Not Yet Assigned
Filing Date Herewith
First Named Inventor Andreas W. Spoetting
Examiner Name Not Yet Assigned
Group Art Unit N/A
Attorney Docket No. OSTEONICS 3.0-349

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 12-1095

Deposit Account Name Lerner, David, Littenberg, Krumholz & Mentlik, LLP

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|------------------------|----------|-----------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | 740.00 | | |
| 106 | 330 | 206 | 165 | Design filing fee | | | |
| 107 | 510 | 207 | 255 | Plant filing fee | | | |
| 108 | 740 | 208 | 370 | Reissue filing fee | | | |
| 114 | 160 | 214 | 80 | Provisional filing fee | | | |

SUBTOTAL (1) (\$ 740.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from Below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 23 | -20** = 3 | x 18.00 = | \$4.00 |
| Independent Claims | 3 | -3** = | 0.00 |
| Multiple Dependent | | | |

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|----------|-----------------|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | | | |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 | | | |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid | | | |
| 109 | 84 | 209 | 42 | ** Reissue independent claims over original patent | | | |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent | | | |

SUBTOTAL (2) (\$ 54.00

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|---|----------|-----------------|----------|
| 105 | 130 | 205 | 85 | Surcharge - late filing fee or oath | | | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | | | |
| 139 | 130 | 139 | 130 | Non-English specification | | | |
| 147 | 2,620 | 147 | 2,620 | For filing a request for <i>ex parte</i> reexamination | | | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | | | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | | | |
| 116 | 110 | 216 | 55 | Extension for reply within first month | | | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | | | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | | | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | | | |
| 126 | 1,960 | 226 | 980 | Extension for reply within fifth month | | | |
| 119 | 320 | 219 | 160 | Notice of Appeal | | | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | | | |
| 121 | 280 | 221 | 140 | Request for oral hearing | | | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | | | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | | | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | | | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | | | |
| 143 | 460 | 243 | 230 | Design issue fee | | | |
| 144 | 620 | 244 | 310 | Plant issue fee | | | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | | | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | | | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Sheet | | | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of assignments) | | | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR 1.125(a)) | | | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR 1.124(h)) | | | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | | | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | | | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00

SUBMITTED BY

Name (Print/Type) Raymond W. Augustin

Signature

Registration No. (Attorney/Agent)

28,588

Complete (if applicable)

Telephone (908) 518-6318

Date

December 3, 2001

Express Mail Label No. EV 01144155 US Dated: December 3, 2001